

Notice of Allowability

Application No.

09/727,046

Examiner

Hong Cho

Applicant(s)

FUJITA, NORIHITO

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 5/9/2006.
2. ☒ The allowed claim(s) is/are 6, 7, 15, 17-19, 24, 26, 28, 29, 35 and 38 (respectively renumbered 1-12).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Paul Harrity on 6/30/2006.

Claims 23 and 27 have been cancelled.

Claims 15, 24, 29, 35 and 38 have been amended as shown in the attachment A.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hong Cho
Patent Examiner
6/30/06



HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

PROPOSED AMENDMENT
~~DRAFT~~

*page 4**Attachment A*

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1-5. (canceled)

6. (previously presented) The communication connection merge method as set forth in claim 24, wherein said-network is a multi-protocol label switching network, said communication connections are label switched paths, and said node is a label switching router.

7. (previously presented) The communication connection merge method as set forth in claim 24, wherein said network is an asynchronous transfer mode network, said communication connections are virtual channels, and said tunneling communication connection is a virtual path, and said node is an asynchronous transfer mode switch.

8-14. (canceled)

15. (currently amended) A node which consolidates communication connections in a network, comprising:

a processor to:

determine whether a tunneling communication connection is present both in a first route of an existing communication connection and in a second route of a

**PROPOSED AMENDMENT
DRAFT**

second communication connection to be newly established, wherein said first and second routes have different destination nodes in said network,

temporarily modify a bandwidth parameter of said tunneling communication connection to accommodate merging said second communication connection in said tunneling communication connection,

send a modification request to another node associated with the tunneling communication connection,

receive a modification response from the other node that indicates whether modification of the bandwidth parameter is possible at the other node,

fixedly modify the bandwidth parameter, at the node, when modification of the bandwidth parameter is possible at the other node, and

merge said existing communication connection and said second communication connection on said tunneling communication connection when modification of the bandwidth parameter is possible at the other node.

16. (canceled)

17. (previously presented) The node as set forth in claim 15, wherein said network is a multi-protocol label switching network, said communication connections are label switched paths, and said node is a label switching router.

18. (previously presented) The node as set forth in claim 15, wherein said network is an asynchronous transfer mode network, said communication connection is a

**PROPOSED AMENDMENT
DRAFT**

virtual channel and said tunneling communication connection is a virtual path, and said node is an asynchronous transfer mode switch.

19. (previously presented) The node of claim 15, wherein said processor creates a tunneling communication connection capable of accommodating said existing communication connection, wherein said tunneling communication connection is in said first route and said second route.

20-23. (canceled)

24. (currently amended) A communication merge method in a network which consolidates an existing communication connection, comprising:

determining whether a tunneling communication connection is present in both a first route to a first destination node [[with]] and a second communication connection to be newly set having a second route to a second destination node in said network, wherein said first node and said second node are different nodes, and wherein a plurality of nodes are associated with the tunneling communication connect;

temporarily modifying a bandwidth parameter of said tunneling communication connection to accommodate a merger of said communication connections, if said tunneling communication connection is present;

sending a parameter modification request from one of the nodes to at least one other one of the nodes;

**PROPOSED AMENDMENT
DRAFT**

receiving, from the at least one other one of the nodes, a parameter modification response that indicates whether modification of the bandwidth parameter is possible at the at least one other one of the nodes;

fixedly modifying the bandwidth parameter of the tunneling communication connection when modification of the bandwidth parameter is possible at the at least one other one of the nodes; and

merging said communication connections on said tunneling communication connection based on the fixedly modified bandwidth parameter.

25. (canceled)

26. (previously presented) The communication merge method of claim 24, wherein said method further comprises:

creating a new tunneling communication connection from a third node to a fourth node, wherein said third and fourth nodes are in said first route and second route, if said tunneling communication connection is not present.

27. (canceled)

28. (previously presented) The communication merge method of claim 24, wherein said method further comprises:

stacking a label assigned for the tunneling communication connection in a shim header.

**PROPOSED AMENDMENT
DRAFT**

29. (currently amended) The communication merge method of claim 24, further comprising:

determining, at one of the at least one other one of the nodes, if modification of the bandwidth parameter is possible; and

temporarily setting, by the one of the at least one other one of the nodes, the modification of the bandwidth parameter when modification of the bandwidth parameter at the at least one other one of the nodes is possible.

30-34. (canceled)

35. (currently amended) A node that consolidates communication connections in a connection-oriented network that includes a plurality of nodes, comprising:

a processor to:

determine whether a tunneling communication connection is present both in a first route of an existing communication connection and in a second route of a second communication connection to be newly established, the first and second routes being associated with different destination nodes in the connection-oriented network,

determine if modification of a bandwidth parameter of the tunneling communication connection to accommodate merging the second communication connection in the tunneling communication connection is possible,

**PROPOSED AMENDMENT
DRAFT**

temporarily set the modification of the bandwidth parameter when
modification of the bandwidth parameter is determined to be possible,

send a parameter modification request to another node associated with the
tunneling communication connection,

receive a parameter modification response from the other node, the
parameter modification response indicating whether modification of the
bandwidth parameter is possible at the other node, and

when modification of the bandwidth parameter is possible at the other
node, fixedly modify the bandwidth parameter and merge the existing
communication connection and the second communication connection on the
tunneling communication connection.

36. (canceled)

37. (canceled)

38. (currently amended) A node that consolidates communication connections
in a network that includes a plurality of nodes, comprising:

a processor to:

determine whether a common communication connection is present both
in a first route of a first communication connection and in a second route of a
second communication connection to be newly set, the first and second routes
being associated with different destination nodes in the network,

**PROPOSED AMENDMENT
DRAFT**

determine if modification of a bandwidth parameter of the common communication connection to accommodate merging the first and second communication connections in the common communication connection is possible,

temporarily set the modification of the bandwidth parameter when modification of the bandwidth parameter is determined to be possible,

send a parameter modification request to another node associated with the common communication connection,

receive a parameter modification response from the other node, the parameter modification response indicating whether modification of the bandwidth parameter at the other node is possible, and

when modification of the bandwidth parameter is possible at the other node, fixedly modify the bandwidth parameter at the node and merge the first and second communication connections in the common communication connection.